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COMMON SENSE IN PRISON MANAGEMENT

THOMAS MOTT OSBORNE

For generations our penal system has presented problems of which there has seemed to be no real solution. But during the last four years, in Auburn and Sing Sing Prisons, in the State of New York, a flood of light has been thrown upon the matter. For the first time the convicts themselves have spoken; for the first time a few—lamentably few—prison officials have been intelligent enough to discard old theories and methods and to study the actual facts spread out before them; for the first time to this apparently most unsolvable of social problems we have applied the principles of democracy; and behold! to the amazement of most and the dismay of many, even in prison democracy works.

It may be clearly understood that what has taken place is not a series of mere chance occurrences. Exactly as patient and scientific study of physical disease has brought about a revolution in everything relating to surgery and medicine, and even created a new profession—that of nursing; just as patient study and careful experiment is revolutionizing our theories and practice in the case of the insane, or mentally diseased, so an opening has at last been carefully and patiently made for the application of common-sense in the treatment of the criminal—the spiritually sick. But before the widespread interest which has been aroused can be transmitted into a genuine demand for genuine prison reform, it is necessary for us to comprehend fully the lamentably unscientific nature of the foundations upon which our present prison methods rest; and to insist upon a thorough and persistent study of all the facts bearing upon the matter, from the simplest to the most complex.

What I have to say this evening is offered not as a statement of dogmatic theory, but rather as tentative suggestions drawn from four years of very close observation and study of the prison problem.

It has been my personal good fortune to study this problem of prison management from three different angles: that of the ordinary citizen; that of the prison official, and, most important of all, that of the prisoner. It has been my privilege to associate upon terms of companionship with many convicts, both during and after their terms of imprisonment—with many who are “going straight” and with some

who are still "going crooked." I have enjoyed the confidence of these men. So that to a discussion of prison questions I can bring something that has been and still is persistently forgotten or disregarded—the point of view of the prisoner.

After all is said and done that outsiders can say and do in the way of reforming the prison, it still remains for the prisoner himself to do the important thing. If he does not see the matter as we do, our efforts are wasted. We can do nothing effectively, therefore, to solve the prison problem without understanding the man who is most concerned and gaining his co-operation.

A certain visitor came to Sing Sing not long after I became warden. She was an energetic lady of excellent character and intentions; interested, for some reason or other, in exploring the prison. As near as I can recall, she had some literary purpose in mind. I told her if she would wait while I finished some necessary business at the warden's desk, I would myself escort her through the prison. So she seated herself; and, as my business was mainly the perfunctory signing of papers, we talked. Among other things she asked what system of classification we had at Sing Sing. I told her there was none; so far as I knew there never had been any.

"What!" she exclaimed in horror, "You put old and young offenders together?"

"Yes," I said, "but you know the old offenders can give very good advice to the youngsters, if they wish to do so; and under the new conditions they frequently do."

"But, of course, you segregate the murderers?" continued the good lady.

"Only those who are to be killed by the state."

My visitor seemed still more shocked. "Oh! that is horrible; to allow murderers to associate with the less guilty prisoners."

"They are all supposed to be guilty," I remarked. "Moreover, most of those who had had experience in prison matters and are best acquainted with the inmates seem to agree that the murderers are rather the best of the lot."

"Oh, that can't be true," my visitor protested; "there must be something so brutal about them."

"Well, I don't think you would notice any particular difference."

"I'm very sure I should," was her prompt rejoinder; "I'm positive I could recognize a murderer the moment I saw one."

"All right, when we go down into the yard I'll show you a few."

Perhaps it was unkind to take advantage of my visitor; but even

while we were talking I had decided to give her an elementary lesson in penology. I continued writing for a few moments; then touched a bell communicating with the outer office; and a tall well-built, soldierly-looking prisoner answered the summons. I gave him some papers to take to the clerk and went on with my work. A cough of interrogation came from the visitor. I turned. "That was a very fine-looking young man," said she; "what is he in here for?"

"Murder," said I; and turned back to my desk.

The lady gave a gasp and a murmur of "Oh, no—it can't be." and sank back in the chair.

In a few moments I rang again. "Send for L——. D——;" and presently a young lad of 22, straight and clear-eyed, stood before me. "How about that League matter we were discussing last night?" said I.

"Well, I've been thinking it over, Warden, and don't believe it will go. You see, it's this way—" and the young fellow gave utterance to an argument as clear as his eyes and as straight-forward as his nature.

"All right," said I; "let it go for the present and I'll take it up with you later on." The lad left the room; and once more I resumed writing.

Another cough of interrogation came from my visitor. It did not really seem possible that she would fall so easily into the trap a second time. "Now that seemed like a singularly able and sensible young man," said she; "what is he in here for?"

"Murder," said I; and finished my last signature.

The good lady was lost in thought for a few moments; then as she rose to accompany me into the prison she said plaintively; "Well, Warden Osborne, I suppose you must be right; but I've always thought that while there might be some doubt as to the appearance of other criminals, there couldn't be any when they had committed such a crime as murder. It always seemed perfectly natural and right that it should be so."

This good lady was really typical of what has been the general attitude of society toward convicted criminals. In our own minds we have determined what their character and their reaction under certain treatment ought to be, according to some theory which appealed to us; then we have proceeded cheerfully upon the assumption that, of course, our actions must be true. To ascertain the plain facts, by patient and accurate study, before forming any theories at all, has never seemed to occur to those who had to do with prisons and prisoners. The

results of this initial mistake may be found in many ponderous volumes on penology, based upon most fantastic notions as to the character of criminals, and in many penal institutions where stupidity and brutality unite to propagate every new series of crimes.

Consider, for instance, the horrible system of solitary confinement, adopted as a regular prison system in Pennsylvania after the abolition of capital punishment for the lesser crimes, and known as the "Philadelphia System." Now solitary imprisonment was not an unknown thing; political prisoners have been subjected to its horrible effects throughout the ages; yet in defiance of experience and common-sense, utterly regardless of the plainest facts in human psychology, the good Quakers of the City of Brotherly Love proceeded not only to put this infernal torture into systematic operation, but to defend and extol it. In their 1830 Annual Report to the Legislature, after the system had been in use many years, the inspectors of the Eastern Penitentiary could express themselves in this wise:

"Intemperance and thoughtless folly are the parents of crime, and the walls of a prison are generally peopled by those who have seldom seriously reflected; hence the first object of the officers of this institution is to turn the thoughts of the convict inwards upon himself, and to teach him how to think; in this solitude is a powerful aid. Hence this mode of punishment, bearing as it does with great severity upon the hardened and impenitent felon, is eminently calculated to break down his obdurate spirit."

The worthy inspectors further express this pious conviction regarding their system:

"That its permanent establishment and extension to all crimes and misdemeanors punishable by imprisonment at hard labor . . . will be consistent with the purest principles of philanthropy, and calculated to advance the interests, and sustain the elevated character of the Commonwealth of Pennsylvania."

Nor was it only those officially responsible for the actual conduct of the prisons who were enamored of this detestable system. An English writer, one Joseph Adshead, published in 1845 a book on "Prisons and Prisoners," which is largely devoted to praise of the solitary system coupled with abuse of Charles Dickens, whose "American Notes" had contained a severe criticism of the Eastern Penitentiary. The author warmly praises a certain Captain Hamilton, whom he quotes as saying:

"There is nothing humiliating in solitary confinement. The interests of society are protected by the removal of the criminal, while the new circumstances in which he is placed are precisely the most

favorable for moral improvement. It is the numerous temptations of the world—the scope which it affords for the gratification of strong passions—that overpower the better principles implanted in the heart of the most depraved of mankind. Remove these temptations—place the criminal in a situation where there are no warring influences to mislead his judgment—let him receive religious instruction, and be taught the nature and extent of his moral obligations; and when after such preparation he is left to reflection and communion with his conscience, all that human agency can effect, has probably been done for his reformation. Solitary confinement contributes to all this. It throws the mind of the criminal back upon itself. It forces him to think who has never thought before . . . Even amidst the solitude of his cell he feels that he is, in one sense, a *free man*.”

In 1849 Thomas Carlyle visited one of the London prisons:

“A prison,” as he explains, “of the exemplary or model kind. The captain of the place, a gentleman of ancient military or royal-navy habits, was one of the most perfect governors; professionally and by nature zealous for cleanliness, punctuality, good order of every kind; a humane heart and yet a strong one; soft of speech and manner, yet with an inflexible rigor of command, so far as his limits went: Iron hand in a velvet glove, as Napoleon defined it.”

“Those who have served time in prison will recognize at once this type of official; and will not be unprepared for the following evidence of his “humane heart.”)

“This excellent captain was too old a commander to complain of anything . . . The visiting magistrates, he gently regretted rather than complained, had lately taken his tread-wheel from him, men were just now pulling it down; and how he was henceforth to enforce discipline on these bad subjects was much a difficulty with him.”

As for the prisoners, the “bad subjects,” who could not be disciplined even by this perfect commander without the aid of a tread-wheel:

“You had but to look in the faces of these twelve hundred and despair, for most part, of ever commanding them at all. Miserable, distorted blockheads, the generality; ape-faces, imp-faces, angry dog-faces, heavy, sullen ox-faces; degraded, underfoot, perverse creatures, sons of indocility; greedy, mutinous darkness, and in one word, of *stupidity*, which is the general mother of such. . . . Base-natured beings, on whom, in the course of a maleficent subterranean life of London scoundrelism, the Genius of Darkness (called Satan, Devil, and other names) had now visibly impressed his seal, and had marked them out as soldiers of Chaos and of him—appointed to serve in his regiments, first of line, second ditto, and so on in their order . . . a set of unteachables, who, as you perceive, have already made up their mind that black is white; that the Devil namely is the advantageous master to serve in this world.”

Is it not strange that the great historian of the French Revolution—he who could write glorious volumes proclaiming “That a lie cannot be believed”—that sooner or later all shame and hypocrisy must recoil upon their upholders, on the strength of one look into the face of a brother man “sick in prison” should at once dismiss him as a “degraded, underfoot, perverse creature”—unteachable soldier of the Devil?” Is it not strange that he who discoursed so keenly upon the “Philosophy of Clothes” should have been misled, like any ordinary shallow-pated citizen, by the hideous yellow uniform, the unshaven faces and cropped heads of the English prisoners? The subject is worthy of a new chapter of Sartor Resartus.

It was five years after Carlyle’s visit to the Model Prison that a Royal Commission, after an investigation of Birmingham Gaol, where three inmates—one a lad of fifteen—had been killed by the brutalities practiced upon them, issued a report which shocked not merely England, but the civilized world.

“It was in 1851 (writes Ives in “A History of Penal Methods), “that the murderous tyrant who has been lifted into the lasting pillory of shame in Charles Reade’s story was made governor of the gaol at Birmingham. In this modern hell upon earth the cell was the reforming force, the crank its worthy minister; and a merciless martinet was urged to carry out the model system to the very utmost; and he did. One is naturally apt to fancy that the great novelist overcolored his tale; but the whole story is preserved in an official record, and stands a lasting stain upon our comfortable self-complacency.”

One can imagine how unpleasantly disturbed at the ghastly results of their system were such gentle theorists as those who held that solitary confinement was “calculated to advance the interests and sustain the elevated character of the Commonwealth of Pennsylvania”—that it was “precisely the most favorable for moral improvement” or at least “all that human agency can effect in the way of reformation.” One can fancy the righteous wrath dyspeptic philosophers, and other believers in a tread-wheel as the best means of discipline, at the unseemly way in which the details of that report were worked into the novel which forms such a blazing indictment of prison mismanagement and cruelty—“It Is Never Too Late To Mend.”

It is worth while to glance again over Reade’s book, just to get a clearer idea of the folly and brutality of prisons in the middle of the last century. It is worth while to re-read it with some care, just to get a clearer idea of the folly and brutality of prisons at the present time; for, unfortunately, the horrors which the novelist so vividly depicted can be paralleled in some of our prisons today, where even

murders are not unknown; and there are still plenty of communities which need, like England in 1854, to be shaken out of their "comfortable self-complacency."

It is not the relative values of different prison systems we are now considering; it is the extraordinary, appalling ignorance of human nature exhibited by so many pious, well-intentioned people whose business it was to know better. What kind of creatures did they think inhabited the prisons who could be cured of wrong-doing by such treatment? One hour spent in a dark cell, one day of solitary confinement, would have shattered their logic and blasted their theories; ten minutes' frank talk with one who had been through such experiences should have been enough to destroy their smug self-confidence. But the whole affair was treated as though it rested upon an entirely different plane from that of ordinary reasoning.

The mistake of 1830, the mistake of 1854, the mistake of 1917, is one and the same; it can be clearly perceived even through Carlyle's uncouth vamping; it is the theory that the men we send to prison are "perverse," that they have deliberately chosen evil at their god; in other words, that criminals are a separate class of human beings (if indeed they are human at all), systematically and intentionally wicked.

If such were not the theory held concerning the criminal, it is inconceivable that the system of solitary confinement could ever have been adopted, or that it should still persist; it would not have been possible for such a method as the "silent system" to gain almost universal acceptance; it certainly would not have been left for the present generation to face this great social problem substantially unaltered from more than a century ago. Superficial changes, of course, there have been; the newer prisons have larger cells and modern plumbing; more or less privileges are bestowed upon the "trusties" of an "honor" prison; but fundamentally the system remains what it has always been—treating the inmates as an unthinking, unfeeling mass of iniquity—so far removed from humanity that the application of ordinary intelligence, common-sense and experience is impracticable and useless; that some special form of treatment has to be invented or discovered in order to handle them successfully.

This perverted and unintelligent theory of the criminals has led to unintelligent and brutal treatment—tread-wheels and the like; and the effect of such treatment was to crush the human beings subjected to it into something that seemed to justify the theory. Out of our prisons came a stream of physical, mental and moral wrecks, with restless eyes and shuffling gait, white with the "prison pallor," with

voices hoarse from long disuse—tragic shadows of what once were men. Then the criminologists set to work to prove that these poor creatures whom we had manufactured in our prisons were members of a “criminal class,” as evidenced by certain “stimata of criminality,” which proved that each one approximated to the “criminal type.”

It was about as intelligent and scientific as if we should dye red the hair of every prisoner, and then boldly advancing the theory that one of the distinguishing marks of a criminal is red hair, should point triumphantly to the fact that every prisoner’s hair was red as indisputable proof of the theory.

The fantastic notions of Lombroso and his followers are now pretty generally discredited, and we shall not hear much more of the “criminal class” and the “criminal type,” although it will be long, of course, before these terms become obsolete. In the meantime a new danger confronts us. All the shallow-pated prison officials, the sensational newspapers and the quack doctors of penology are now rattling off a lot of glib new fallacies in place of the old set, substituting new catch-words in place of the ones which have been worn thread-bare. Those who a short while ago were busy measuring the ears and nose of every man in prison, to make sure he belonged to the “criminal class,” are now shouting that we must “classify,” and “segregate the mental defectives.”

Now, in the use of catch-words—whether old or new, and based though they may be upon certain truths—there are very real and very serious dangers, owing to the extraordinary power which mere words have over us. Caught up by some inexperienced “expert” who may occupy an official position of enough consequence to command attention, and combined with sundry half-baked theories of his own, these phrases are put forth with solemn assurance and received by the public as a sort of magic formula which can of itself produce the desired results.

Some years ago these arose among those interested in the proper training of children a more or less violent protest against “the institution,” and the popular catch-word of the day was the “cottage system”; apparently all we had to do was to build a number of small buildings instead of one large one and all difficulties would be solved at once.

It is quite true, of course, that children can be handled more easily in small groups than in large ones; but whether more successfully or not depends upon the character of the handling rather than upon the size of the group. It has not been the dimensions of the

buildings which has made the old institutions for children so bad, but because in general the management of those institutions has been so extremely unintelligent and unimaginative.

A judge once said to me: "I should never think of sending a child to an institution; even a bad family is better than that." I said to myself: "I wonder," and fell to calculating how many of my friends and neighbors there were to whom I should be willing to confide the bringing up of my own children. I finally came to the conclusion that a common-sense formula would run thus: While a good family is probably better than a good institution and a bad family is certainly better than a bad institution, yet a good institution would be better than a bad family.

In a recent article on prison matters a responsible writer quotes the warden of a New England prison as saying to him: "I've 44 men in a criminal insane ward upstairs, many of them homicides, and I want you to watch some of the 500 as they go to meals and tell me what you think of them. I think about a third of them are defective and need medical treatment, and they are not fit to mix in with the others, but what can I do? I have to furnish a certain number in the shop each day for working on the machines under a three-year contract."

Truly a fine condition of things, if prosinners mentally or physically unfitted for work must be made slaves of a contractor. But that is not the point.

The point is this: In our enthusiasm for the cottage system, sound as the intention was, we forget that in such matters as the care of children the method used is fully as important as the end to be gained; for if your method is faulty, you can never gain the end. It is the same in dealing with criminals. "You must classify," says the penologist. Very true, classification is necessary to any well-run prison. But when you have so agreed, you have not got anywhere. What is the system by which you are going to classify? That is the vital question. "We must win in this war." Precisely: but how? You can't win the war by merely indulging in dogmatic statements that it must be won. That procedure was recognized as a failure many centuries ago. Portia of Belmont, that very wise, young person, summed it up for us: "If to do were as easy as to know what were good to do, chapels had been churches and poor men's cottages princes' palaces."

"Mental defectives must be segregated." Yes, that also would be wise, wherever the mental deficiency is sufficiently serious; but what method shall we take to ascertain who are these mental defec-

tives? Shall we trust the matter to a warden who "thinks" a certain proportion are defective? Shall we ask a casual visitor to "watch" the prisoners and then guess? There are some cynics, who, if asked on the spur of the moment to pick out mental defectives, might inadvertently begin with the warden. Some such things have happened.

Let us deal now a little in detail with the criminals.

Who are they. Well, look about you, they are everywhere; you are meeting them daily at every turn.

To begin with, every man is a potential criminal. Every vice is but a seamy side of a virtue; every crime is only misdirected energy. That which prompts a man to blow a safe is fundamentally the same desire for gain which is the foundation of legitimate business. That which leads men to plan and execute the hold-up of an express train is essentially the same craving for excitement which used to send us to climb the higher Alps or shoot big game in Central Africa, and now sends many to drive an ambulance or die in the trenches of Flanders. Lust and immorality are only perverted expressions of an instinct which itself is the noblest of earthly passions—not only perfecting the life of each human individual, but providing for the future of the race itself. The is but the shift of the balance between what is noble and what is vile; just the slightest minute action of the brain, and what is good becomes evil; just a puff of wind and the fire which was a serviceable, life-giving element becomes a destroying monster.

"It seemed grand to me, then, to be an outlaw," said Canada Blackie to his friend and biographer, Mrs. Field: "I knew no authority, and took pride in recklessness. The greatest sensation I ever had was standing with a loaded revolver over an engineer's heart and ordering him to slow down an express train for *me*! Gee! that was some sensation!" Can we not all understand and sympathize with that thrill of excitement, however much we disapprove of the particular form in which it was manifested?

A law-abiding friend of mine, standing before his comfortable open fire, described to me his feelings after he had been accused of dishonesty by the head of his business, and believed himself to be the victim of deliberate treachery and double-dealing. "I assure you," said he, "I was so besides myself with rage that as I walked up and down here in this room I just panted to kill that man; and if he had come in and stood there where you do, I should have done it without question. I had murder in my soul, if a man ever had. Now, then, can I sit in judgment upon those who commit murder when I know that I should have been guilty of it, had I had the opportunity?"

Not only have many respectable and quiet citizens, who have never gone to jail, been thus guilty of crime in thought, but many have actually committed acts, which, had the surrounding conditions been slightly different, would have landed them in a penal institution. I once heard it said to a group of men in the smoking-room after dinner: "It is a safe statement to make that every one of us here present has, at some time or other during his life, committed some criminal act." I was about to break out into indignant denial when a certain incident suddenly occurred to me, and I kept silence. So did all the others. My offense was hardly one against the moral code, and yet "riding freights" is a form of theft, after all; and had I been caught, I could have been sent to the penitentiary with perfect propriety. I have often wondered what those other men had on their consciences.

Then there are the really professional criminals who never get "sent up." They pursue their evil courses systematically, but never get caught; or if caught, know the ropes well enough to escape or postpone punishment. Some of these are men high in the social scale, who pursue their piratical practices from the safe retreat of their luxurious places of business. "What is the difference?" asked a clever, young thief. "Your Wall street banker steals a railroad; why shouldn't a pocket-book?" His logic, of course, is wretched, but man is not a very logical being, after all; and he is extremely imitative. No one can measure the amount of crime directly and indirectly caused by the corrupt politics of this free and easy country; for, of course, there is usually a very close connection between the criminal financier and the political boss, just as there is between my friend, the thief, and the lower orders of the hierarchy.

"Dear Friend Tom," writes the young man from a neighboring state, "I could mention of an experience I had since I've seen you which would startle you, from the 'mayor' down. I got 90 days, Tom, but \$150 brought me home once more. Without the necessary, I would now be eating some of the county's beans. They called me pick-pocket for three hours, but when I enlightened them I had the amount mentioned I was treated to cigars and handled like Dresden china."

(A vivid thumbnail sketch of official dishonesty—"from the mayor down!")

If the criminal of the underworld is inclined to be cynical, who can blame him? In his contact with society it has been altogether too evident that he does not belong to the only "crooked" element. Everywhere he turns he finds hypocrisy and corruption; until he gets to

feel that the whole structure of society is rotten. "Until the league started and I met you and your friends," wrote a young graduate of Sing Sing, "I did not believe there was such a thing as an honest man or woman." When such men as he unseal their lips and begin to tell of the number of times they have escaped arrest or conviction, although guilty, compared with the few times they have been punished, it gives one a new and uneasy conception of the administration of justice and a keen sense of the futility of its present methods.

There can be little doubt of this fact: that, taking everything into consideration, an extremely small proportion of criminals are actually called upon to face punishment for their misdeeds and those that do suffer are usually the less guilty—the small fry. When public opinion has been aroused and the newspapers are calling for action—then the police must "make good"; but even then, according to the statements of the underworld, it is usually "some poor slob" who gets "railroaded to prison"—while the big men duck until the storm has blown over.

In fact, the more I have come to know of crime the more I have been forced to believe that our present methods of administering justice are wretchedly inefficient and futile. A right system should in some way utilize the normal action of human nature; ours does not do so. A right way would lead to less punishment for the less guilty and a greater punishment for the more guilty; ours does not do so. A right system would be curative, not merely punitive.

The ambition of the police to make a record; the ambition of the district attorney to make a record—both records determined by the number of arrests and convictions; there lies the first difficulty. It is worse than a false standard; it completely upsets all the deeper purpose for which the machinery of the criminal law exists. And when you add to this the secret proceedings of the grand jury, you have a system as undemocratic, as productive of iniquity, as can well be imagined. The wonder is not that the thing is so bad, but that it is not very much worse. We get, on the whole, far less deplorable results than we deserve. If criminals were as bad as they are painted, the whole fabric of society would fall to pieces; because the machinery for dealing with them is so hopelessly inadequate.

On the whole we may sum up this branch of the question by quoting the remark of a witty Irish prisoner, who, at one of the early sessions of the Mutual Welfare League's executive committee, turned to me and said: "You know perfectly well, Mr. Osborne, that the only difference between us and a whole lot of people outside is that we have been caught."

"What system of classification have you at Sing Sing?" was the first question of the literary lady who thought she could recognize murderers at sight. She was echoing the most fashionable catch-word in penology at the present time: "classification." The old penologists used to divide the "criminal class" into five varieties: 1. Criminal madmen; 2. Instinctive criminals; 3. Habitual criminals; 4. Single offenders, and 5. Presumptive criminals. But the author of one of the latest books on the subject asks us to recognize eight varieties: 1. The incorrigible; 2. The low-grade feeble-minded; 3. The degenerate; 4. The seriously abnormal; 5. The insane; 6. The old rounders; 7. The feeble inebriate, and 8. The "best prisoners." It is even proposed to have "special institutions developed for each class." There seems to be no reason why we should stop at eight varieties; why not go on to eighteen—or even fifty-seven?

Of course, one can see at a glance that there are really no dividing lines between such groups; the whole thing is purely artificial, theoretical and dogmatic; just the kind of substitute for reasoning which has made of the prisons such tragic failures. There is something really pathetic about this passion for charting and docketing our fellow mortals, without any practical or substantial good to be obtained after the classification is accomplished. I think it comes from the old, childish desire to have things clear and simple and static, as if human nature ever was or could be static. Some people never outgrow the desire to have all their acquaintances, in and out of books, carefully labelled, according to types: the worthy hero, the faultless heroine, the unscrupulous villain, the comic servant—and what not. The more nearly life's stage can be set for good, old-fashioned melodrama, the more restful for our minds. I am frequently reminded of a time when I was a lad at boarding school. One of my classmates and I invented some sort of a game, when we should, I have no doubt, have been at our studies. The exact object of the game I can't recall, but it involved the personal characters of the rulers of England, listing those worthies under the headings: Very good, good, medium, bad, very bad. We almost came to blows over a difference of opinion as to the relative weight to be attached to certain considerations of moral character as contrasted to administrative efficiency. As I recollect it, I argued that a bad man couldn't be a really good king, while my companion argued that a good king couldn't be a really bad man. He had yielded a point on Henry VIII, while I conceded James I; we might possibly have even arranged a compromise on Charles I and Cromwell; but we split hopelessly and the game came to an end over Elizabeth; the maiden

queen was one too many for us, which was on the whole rather characteristic of her.

Setting aside, however, the half-baked theories of certain inexperienced "experts," it is entirely possible, as has been proved at Auburn and Sing Sing, to develop a perfectly logical and sensible system of classification, which is not only desirable, but essential in any practical prison system. A system of segregation of certain prisoners, who are unfitted for the struggle for existence unless protected—the mentally deficient—is also wise, if carefully and intelligently carried out. The various psychopathic examinations—the Binet-Simon or other tests—are useful and important aids in determining the nature of each individual problem. But these all refer, not to criminals before prison, but after they get there. For all that is vital to know of a criminal before prison is that he has committed the criminal act; for no test that man can ever invent will supersede the one test which determines absolutely whether he is a fit candidate for a prison, and that is the fact of the commission of the crime. If a man commits a serious crime, then we know that he is a criminal and should be sent to prison, and it is of no particular interest to society what is his mental condition nor what percentage of perfect mentality he registers. A crazy murderer is quite as undesirable as any other kind. A thief clever enough to steal our pocket-books is much too clever to be at large, and I, for one, want to see him behind bars as quickly as the law's delay will permit. After he is safely in prison, then the doctors may examine him and test him to their hearts' content—that is another story. The purpose of the police, the courts and the prisons is to protect society, and their first duty is to catch the man whose actual deeds show that the result of his activities is destructive, and to place him where he cannot continue to destroy; and I, for one, do not care whether he is insane, or mentally deficient, or incorrigible, or an old or a new offender; if he has stolen my pocket-book, that is quite enough to enable me to decide that he needs the prison.

One of the favorite varieties of the classifiysts is the "incorrigible." He is about the first one whom our friend, the recent author who invents the eight classes of criminals, proposed to segregate. We are not told exactly what is an incorrigible, nor how we are to recognize one when we see him; but I have no doubt that we shall soon have a complete set of tests for discovering him. The fact that any normal person would tend to become incorrigible under prison discipline; that the silence and constraint, the espionage, the brutality of an ordinary penal institution is enough to throw any man off his mental

balance—this is not considered. If he misbehaves, he is an incorrigible, and the usually stupid and often brutal official has no idea of what to do with him except to punish him, thus making him worse; then “classify” and “segregate” him into a still sterner system, until he may end in the mad-house.

At the time the Mutual Welfare League began in Auburn Prison, in January, 1914, there had been in solitary confinement for over a year one John G——, an Italian prisoner familiarly known as “Coney Island.” Coney was an “incorrigible,” if ever there was one. He had been in a reformatory; he had been in prison before; he was the most unruly and refractory inmate in the whole institution. Let out of “isolation” by special grace of the warden to see the usual Thanksgiving Day “show,” he succeeded in getting into a fight before they could get him back to his cell. In January I found him in the cooler, where he had been sent for firing his plate of hash through the bars of his cell door at the keeper’s head.

“I don’t know what to do with that fellow Coney Island,” groaned the warden to me; “he is certainly incorrigible, and I think he’s crazy. The doctor and I have about decided to have him sent to Dannemora—either the asylum or the prison.”

“Personally I think you’re wrong,” said I; “I’ve talked with him and I don’t believe he’s hopeless at all. Wait until I can take up his case with the boys;” and the warden consented.

That evening a meeting of the newly formed and elected executive committee of the League was held in the warden’s office, and after the more important business had been disposed of I brought up the matter of Coney Island. Although we were just at the beginning of the League’s existence, I had already been impressed with the admirable energy, fine feeling, and remarkable efficiency shown by the group of men put forward as the representatives of the League. At the request of the men as well as the warden, I attended all the meetings both of the board of delegates and of the executive committee.

“Boys,” said I, “is there anything we can do about that fellow Coney Island? You know he’s been in solitary for over a year, and the warden is going to send him to Dannemora, as he believes him to be either incorrigible or bughouse. Personally I have my own view of the matter; what do you think?”

The secretary of the League spoke up—a seasoned old-timer with a cynical smile. “I marched by that fellow’s side once for over a year, and I don’t think there is anything serious the matter with him. Of course, he’s an impulsive Italian and the system gets on his nerves,

but if he were handled by a man with any sort of tact, he'd get along all right."

"Well, can the League do anything about it?" I urged.

The sergeant-at-arms, whose duty it was to keep order, but who was allowed to express his opinions when the spirit moved, looked up. There's a vacancy in the waiters of the south wing," he said, "and there ain't any screws (prison guards) there. Why couldn't he be put to work with us; we'd look after him all right?"

The secretary turned to one of the committee, a trusty and head janitor of the south wing. "Henry, would you take Coney and be responsible for him? See that he didn't get into any rows or make any disturbance, and behaved himself?"

Henry, a "twenty-to-life" man with thirteen years to his credit, twisted in his chair and laughed. "Well," said he, "we can try it. I guess Coney and I could get along together, and if Bill here will help keep him from knifing the other fellows, I guess we can handle him all right."

"Sure thing," was the terse comment of Bill, the sergeant-at-arms.

So the matter was decided, and it was agreed that I should "put it up" to the warden. The next day I proceeded to do so. The warden was at first decidedly adverse; he did not want to turn loose about the prison such a desperate and dangerous character. The waiters of the south wing had no officer over them—only Henry, the trusty—and there would be every opportunity for a probably insane incorrigible to make serious trouble. On the other hand I pointed out that, although it was taking a risk, yet it was about the first request the committee had made, and it would encourage just the kind of social responsibility we wished to have among the prisoners; in fact, the very thing we hoped the League might produce.

So Coney Island was taken out of solitary confinement and put into a position where he could do more damage than he had ever before had a chance to do when in prison. To the surprise of the authorities there never was the slightest trouble with him from that time on. A tireless worker, Coney set an excellent example to all the other waiters in the south wing. When the road camps were operating, the following summer, the champion base-ball team of the prison issued a challenge to the men of the "Honor Camp," and the warden gave permission to the team to be driven eighteen miles from the city one holiday—and they did not get back to the prison until some time after dark. Coney was one of the players and no one was more proud of the trust reposed in him and of his honorable fulfillment of the trust than he.

Later, when there was a vacancy in the position of electrician in the chapel, the officials of the League recommended Coney; and upon every visit home from Sing Sing, after I was made warden, some one was sure to call my attention to a grinning fellow on the stage: "Say, Coney's doing just fine!" Many of the prisoners seemed to take a sort of personal pride in the man their League had saved from the dark cell and the mad-house.

Since Coney Island's release he worked for many months hard and honestly; was much appreciated by his employers, who trusted him to go every week to the bank for a pay-roll of several thousand dollars. He is tremendously proud of his own good record, as well he might be. Would society have been benefitted if Coney Island had been classified as an incorrigible and withheld from the companionship of more intelligent and better men, from membership in the League, which restored him to society a self-respecting man?

Now, the moral of Coney Island's story is this: It is perfectly easy to say, "Classify," but what method of classification do you propose? We have been classifying men as "criminals," and where has it brought us? To a pass when the very institutions where we segregate the criminals are breeding places of crime. Now, suppose we subdivide and classify under other heads in the same dogmatic fashion? Where will it bring us?

It is easy enough to say: "Segregate the mentally deficient." By all means, but what do you mean by "mentally deficient?" It is proposed to have separate institutions for the incorrigible; what is an "incorrigible?" Speaking from a considerable knowledge gained not by sitting in a library and theorizing, but by actual experience of living and dealing with the men themselves, I am free to say that the nearest approach to incorrigible criminals I have ever encountered in prison was a small group in Sing Sing, the members of which always spoke of themselves as the "better element." It included several college graduates, some crooked lawyers—so crooked they couldn't even keep themselves out of jail, bankers who had robbed in millions instead of paltry tens or hundreds and were consequently serving short sentences instead of long ones, and some confidence men, who enjoyed a unenviable reputation in the prison because they couldn't be "on the level" even with their fellow-prisoners.